

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER WILLIAMS, JR.,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.

24-CV-8075 (LTS)

ORDER DIRECTING PAYMENT OF FEE
OR IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed a complaint asserting claims for violations of his constitutional rights at Sing Sing, and challenging the determination of the number of days of pretrial detention that could be credited to his state sentence. *Williams v. New York State*, No. 24-CV-4285 (PMH) (S.D.N.Y.). By order dated July 29, 2024, the court severed the challenge to the calculation of Plaintiff's sentence and directed that those claims be addressed in a separate action. This civil action was opened to address those claims.

This new action was opened without Plaintiff's having submitted the filing fee or an IFP application for this separate action. Although the proper characterization of the claims has not yet been resolved, the Court assumes for purposes of this order that the matter eventually will be recharacterized as a petition for a writ of *habeas corpus*. To proceed with a petition for a writ of *habeas corpus* in this court, a petitioner must either pay the \$5.00 filing fee or, to request authorization to proceed *in forma pauperis* (IFP), submit a signed IFP application. See 28 U.S.C. §§ 1914, 1915.

Within thirty days of the date of this order, Plaintiff must either pay the \$5.00 filing fee or complete and submit the attached IFP application. If Plaintiff submits the IFP application, it should be labeled with docket number 24-CV-8075 (LTS). If the Court grants the IFP application,

and this action is recharacterized as a *habeas* petition, Plaintiff will be permitted to proceed without prepayment of fees.¹ See 28 U.S.C. § 1915(a)(1).

No summons shall issue and no answer shall be required at this time. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed without prejudice to Plaintiff's refiling it.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: October 24, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

¹ The filing fees for non-*habeas* civil actions are \$405 (a \$350 filing fee and a \$55 administrative fee). If this action is not recharacterized as a *habeas* petition, a further order regarding fees may issue.